

10733. Adulteration and misbranding of butter. U. S. v. John Peterson and Emil T. Lindquist, Co-partners (Moose Lake Creamery Co.). Plea of guilty. Fine, \$100. (F. & D. No. 14537. I. S. Nos. 3412-t, 3433-t.)

On July 12, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Peterson and Emil T. Lindquist, co-partners, trading under the name and style of Moose Lake Creamery Co., Moose Lake, Minn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 6 and September 27, 1920, from the State of Minnesota into the State of Wisconsin, of consignments of butter which in each instance was adulterated and misbranded. The article was labeled in part: "Moose Lake Brand Creamery Butter."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was deficient in butter fat and that it contained an excessive amount of moisture.

Adulteration of the article in each shipment was alleged in the information for the reason that a product deficient in milk fat and containing an excessive proportion of moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for creamery butter which the article purported to be.

Misbranding was alleged for the reason that the following statement, to wit, "Creamery Butter," borne on the labels of the packages, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was creamery butter, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, whereas, in truth and in fact, it was not, but was a product deficient in milk fat and contained an excessive proportion of moisture. Misbranding was alleged for the further reason that the article was a product, deficient in milk fat and containing an excessive proportion of moisture, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On July 12, 1921, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10734. Adulteration and misbranding of hay. U. S. v. Consumers Grain Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 14746. I. S. No. 12076-t.)

On December 14, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consumers Grain Co., a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 17, 1919, from the State of Minnesota into the State of Montana, of a quantity of hay which was adulterated and misbranded. The article was unlabeled but was invoiced as hay.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was refuse from a grass rug factory.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, wire grass, refuse, and twine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for hay which the article purported to be, and for the further reason that said article contained added deleterious ingredients, to wit, refuse and twine, which might render it injurious to health.

Misbranding was alleged for the reason that the article was a mixture composed in part of wire grass, refuse, and twine, prepared in imitation of hay, and was offered for sale and sold under the distinctive name of another article, to wit, hay.

On December 14, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10735. Adulteration and misbranding of horse-radish mustard. U. S. v. 12 Dozen Bottles of Horse-radish Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14948. I. S. No. 10801-t. S. No. C-3005.)

On June 16, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen bottles of horse-radish mustard, remaining in the